

9-11-07
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Agency Reference #: Circulated by: Project Tracking Number:	AGENCY USE ONLY JARPA FORM LAST UPDATED: March 19, 2007 Date Received: (local govt. or agency)
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Washington State JOINT AQUATIC RESOURCES PERMIT APPLICATION (JARPA) Form



Step 1: Get Ready	Step 2: Complete Form	Step 3: Check Work	Step 4: Copy and Send In
Go to www.epermitting.org for correct form and instructions.	Use black ink . Check correct permit boxes.	Use internet "Help" buttons to answer questions completely.	Use final review checklist at www.epermitting.org .
			See JARPA Contacts at www.epermitting.org for correct mailing addresses.

- ☐ Fish Habitat Enhancement Projects per RCW 77.55.181. You must submit copy of completed JARPA form and Fish Habitat Enhancement JARPA Addition to your Local Government Planning Dep't and WA Dep't of Fish and Wildlife (WDFW) Area Habitat Biologist on same day. Note for Local Governments: You must submit comments to WDFW within 15 working days.

Based on instructions at www.epermitting.org, I am sending copies of this application to the following: (check all that apply)

- ☒ Local Government for Shoreline:
 ☐ Substantial Development
 ☐ Conditional Use
 ☐ Variance
 ☒ Exemption
 ☐ Revision
☐ Floodplain Management
 ☒ Critical Areas Ordinance

- ☐ Washington Department of Fish and Wildlife for Hydraulic Project Approval (Submit 2 copies to WDFW Region)
☐ Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit)
☐ Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
☐ Corps of Engineers for: ☐ Section 404 permit ☐ Section 10 permit
☐ Coast Guard for: ☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)
☐ For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement

PROJECT TITLE: Ash Grove Cement Company (Ash Grove) Barge-Offloading Facility Maintenance Dredging

PROJECT DESCRIPTION: Dredge up to 600 CY of aggregate material (waterward of -10 ft MLLW) that has accumulated since last maintenance dredge (2005/2006). Note that Corps and WDFW permits have already been issued as part of multi-year maintenance dredge program.

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

1. APPLICANT

Ash Grove Cement Company, attn. Craig Puljan, Plant Manager

MAILING ADDRESS

3801 East Marginal Way South, Seattle, WA 98134

WORK PHONE

(206) 623-5596

E-MAIL ADDRESS

craig.puljan@ashgrove.com

HOME PHONE

n/a

FAX #

(206) 623-5355

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

2. AUTHORIZED AGENT

Grette Associates, attn. Melora Shelton

MAILING ADDRESS

2102 North 30th St Suite A, Tacoma WA 98403

WORK PHONE

(253) 573-9300

E-MAIL ADDRESS

meloras@gretteassociates.com

HOME PHONE

n/a

FAX #

(253) 573-9317

3. Relationship of applicant to property:

☒ OWNER

☐ PURCHASER

☐ LESSEE

☐ _____

4. Name, address and phone number of property owner(s) if other than applicant:

n/a

5. Location (street address, including city, county and zip code, where proposed activity exists or will occur)

3801 East Marginal Way South, Seattle WA 98134 (in Duwamish River adjacent to property)

Local government with jurisdiction (city or county) City of Seattle

Waterbody you are working in Duwamish River

Tributary of

WRIA #

Is this waterbody on the 303(d) List ☒ YES ☐ NO

Elliot Bay, Puget Sound

WRIA 9

If YES, what parameter(s)?

pH only in this reach, 2004 303(d) list - other parameters in adjacent reaches in lower River include DO, PAHs, total PCBs

Shoreline designation

UI (Urban Industrial)

Zoning designation

IG 1 / U85 (Industrial General 1 / Under 85 ft)

USEPA SF

AGC2C000563



1279581

1/4 Section NE	Section 18	Township 24N	Range 04E	Government Lot n/a	help DNR stream type if known S
help Latitude and Longitude: 47°34'6.8", 122°20'44.0				Tax Parcel Number 7666700350	

help 6. Describe (a) the current use of the property, (b) structures existing on the property, and (c) existing environmental conditions. Have you completed any portion of the proposed activity on this property? ☐ YES ☒ NO

For any portion of the proposed activity already completed on this property, indicate month and year of completion.

The site is located on the east bank of the Duwamish River approximately 0.1-mile from the East Waterway (Figure 1).

- (a) The property is used for industrial cement manufacturing. The plant's location on the Duwamish River allows for aggregate (sand, gravel, limestone) delivery and off-loading at the barge-berthing facility on the bank (Figure 2). The work area is located in-water around the terminus of the barge-offloading conveyor, and dredging will be limited to a 45 ft by 65 ft area around this terminus.
- (b) Upland buildings and structures on the property are part of the cement manufacturing facility. The project will not affect or be affected by upland buildings and structures. The barge off-loading facility includes two piers and a tower-supported conveyor located between them (see Figure 2). The project will not affect or be affected by structures. The work will be limited to the area around the conveyor terminus (Figure 2).
- (c) The work area is entirely underwater and waterward of -10 ft MLLW. The substrate in this area consists of Duwamish River bed sediments (silty mud) with an overlying layer aggregate (sand, gravel, and limestone). The Corps has conditioned on-going maintenance dredging (beginning in 2002) at this site with the requirement that 1-ft of aggregate material be maintained on top of the Duwamish River bed sediments. With the exception of that 1-ft layer, aggregate material within the work site has been deposited since the 2005/2006 dredge action. There is no aquatic vegetation in work area. This area of the Duwamish River is tidally influenced with marine water at depth and fresh or brackish water at the surface, depending on mixing conditions.

help Is the property agricultural land? ☐ YES ☒ NO help Are you a USDA program participant? ☐ YES ☒ NO

help 7a. Describe the proposed work that needs aquatic permits: Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or line, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.

Ash Grove Cement Company (Ash Grove) proposes to conduct maintenance dredging (aggregate recovery) of up to, but likely substantially less than, 600 CY of accumulated sand, gravel, and limestone at its cement plant's barge off-loading facility. A survey will be completed prior to submission of documents for City Land Use review and the actual amount to be dredged will be reported at that time.

This multi-year maintenance dredge program has been approved by Corps(200100155) and WDFW (103568-1) in order to recover spilled aggregate at the terminus of the offloading conveyor and maintain safe barge operation depth (-25 ft MLLW). The approved footprint is the 45 ft by 65 ft area shown in Figure 2, which is entirely located waterward of -10 ft MLLW (Figures 2 and 3). The Corps' Dredged Material Management Office has conditioned that permit with the requirement that at least 1-ft of material be left in place between the bottom of the dredge prism and the Duwamish River bed to ensure the substrate below is not disturbed.

Dredging will be accomplished using a barge-mounted 4-ft clamshell bucket. Because the conveyor at the plant is not designed to handle damp material, the recovered aggregate will be dewatered on the barge until it is sufficiently dry, at which time it will be off-loaded by the conveyor and delivered to plant for cement production.

The maintenance program, originally approved in 2003, allows for removal/recovery of up to 600 CY of material biennially according to the schedule below:

Year*	Quantity
2002	up to 600 CY (completed)
2005	up to 600 CY (completed)
2007	up to 600 CY (current application)
	XXX anticipated based on 2007 bathymetric survey
2009	up to 600 CY
2011	up to 600 CY

*Year indicates fall of the fall/winter work window, actually work may take place as late as mid-February of the following year.

Prior to the 2005 action, Ash Grove invested in a number of improvements to substantially reduce material spillage, including: a larger hopper; conveyor modifications to increase extension and reduce dust and spillage; pre-cleaner and secondary cleaner systems on the conveyor to reduce carryback spillage. These improvements have substantially reduced operational spillage but cannot completely eliminate it or the need for maintenance dredging.

Ash Grove conducts regular monitoring to ensure that the new system is working properly and monitor for spillage or other problems outside of regular operational spillage (e.g., large spill amounts due to equipment problems). It also conducts regular equipment inspections. The new conveyor system is functioning as expected and has reduced substantially operational spillage.

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. **ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED.** NOTE: Applicants are encouraged to submit photographs of the project site, but these DO NOT substitute for drawings. **THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.**

7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.

The purpose of maintenance dredging is to recover aggregate that has accumulated due to normal operational spillage in order to maintain safe barge operational depths (-25 ft MLLW) at the terminus of the off-loading conveyor. The project is site-specific.

7c. Describe the potential impacts to characteristic uses of the water body. These uses may include fish and wildlife, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and compensate for impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you are using. Attach sheet if additional space is needed.

Maintenance dredging will take between 1 to 3 days; dredging will be limited to the designated dredging footprint (Sheet 2) and activity will be contained within the barge-berthing area. There will be no impacts associated with characteristic commercial, industrial, or recreational waterway use, as the level of activity is comparable with the typical barge off-loading use at this site. The project will ensure the maintenance of safe operational depths for barge-loading at the facility. Note that a number of operational improvements were made at the facility prior to 2005 that have significantly reduced aggregate accumulation.

The project is within a Superfund site. The Corps Dredged Material Management Officer reviewed the Corps permit with the requirement that no less than 1-ft of aggregate material be left on the river bed to ensure that native bed sediments are not exposed or disturbed during dredging.

The project will take place within a Corps and WDFW approved in-water work period (October 16 – February 15) for the protection of salmonids including federally listed chinook salmon, steelhead trout, and bull trout. This will significantly minimize the risk of direct impacts of this project on salmonids.

The following construction BMPs will reduce impacts to waters of the Duwamish River, particularly in terms of reducing the potential for temporary increases in turbidity:

- The dredge operator shall take care not to exceed authorized dredge cut depth or disturb native sediment. Clamshell bucket shall not disturb native sediment. As per Corps requirements, a 1-ft layer of aggregate will remain over the Duwamish River bed sediments.
- To assure that removed material does not exceed approved dredge depth, clamshell control cables shall be marked with highly visible paint to guide the dredge operator. Standard dredge tolerance is maximum 1-ft over-dredge.
- With each grab of the clamshell, dredge material shall be completely removed and placed on the deck barge. The clamshell bucket shall make a complete cycle with each pass. The clamshell bucket will not be dragged over the bottom to level the cut.
- The deck barge will have fences to control dredge material. These may be either barge structure or

concrete ecology block. Hay bales with filter fabric shall be installed to serve as filters wherever the fences are not watertight.

- The dredge operator shall lift the clamshell bucket slowly to facilitate maximum dewatering of the bucket near the water surface and to avoid plunging as the bucket is raised to the deck.
- Due to the granular nature of the dredge material, sediments are not expected to adhere to the clamshell bucket. Should sediment adherence be observed, a rinse tank will be available on the barge deck to ensure the bucket is clean prior to returning to the River. Any accumulated sediment will be dewatered and used in concrete production.
- All dredged material, gravel or fine grained sediments, once removed from the water, shall not be returned to the water.
- Dredged material shall be dewatered on the deck barge being transferred to the plant by the off-loading conveyor, unless otherwise approved by the project engineer or his/her on-site representative.
- All dredged material shall be disposed of by reintroduction as raw material into the cement manufacturing process at the Ash Grove Cement Company plant. This process uses such high temperatures that any extant contaminants would be destroyed.

Note that the City of Seattle shoreline plantings as part of the 2005 dredge action permit package. The plantings, installed in 2006, were partially intended as habitat enhancement to improve shoreline condition by providing "terrestrial input in the form of insects and detritus" (SEPA DNS #3003446, page 5, January 30, 2006). This action was required for long-term impacts of the project, including "the continued removal of benthic material through future dredging..." (SEPA DNS #3003446, page 5, January 30, 2006). Monitoring demonstrates that these plantings are meeting the standard set by the SEPA DNS condition (80% survival).

7d. For in-water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity (WAC 173.201A-410)? ☒ YES ☐ NO

8. Will the project be constructed in stages? ☐ YES ☒ NO

Proposed starting date: As soon as possible after permits have been received and within the Corps and WDFW approved in-water work window (October 16 to February 15).

Estimated duration of activity: 1 to 3 days

9. Check if any temporary or permanent structures will be placed: **No structures will be placed.**

- ☐ Waterward of the ordinary high water mark or line for fresh or tidal waters AND/OR
- ☐ Waterward of the mean higher high water for tidal waters?

10. Will fill material (rock, fill, bulkhead, or other material) be placed: **No fill material will be placed.**

- ☐ Waterward of the ordinary high water mark or line for fresh waters?
If YES, VOLUME (cubic yards) / AREA (acres)
- ☐ Waterward of the mean higher high water for tidal waters?
If YES, VOLUME (cubic yards) / AREA (acres)

11. Will material be placed in wetlands? ☐ YES ☒ NO
If YES:

A. Impacted area in acres

B. Has a delineation been completed? If YES, please submit with application. ☐ YES ☐ NO

C. Has a wetland report been prepared? If YES, please submit with application ☐ YES ☐ NO

D. Type and composition of fill material (e.g., sand, etc.)

E. Material source.

F. List all soil series (type of soil) located at the project site, and indicate if they are on the county's list of hydric soils. Soils information can be obtained from the natural Resources Conservation Service (NRCS).

G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? ☐ YES ☐ NO
If YES, IMPACTED AREA IS ACRES OF DRAINED WETLANDS.

NOTE: If your project will impact greater than 1/10 of an acre of wetland, submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form.

NOTE: A 401 water quality certification may be required from Ecology in addition to an approved mitigation plan if your project wetland impacts are greater than 1/10 acre in size.

Please submit the JARPA form and mitigation plan to Ecology for 401 certification review.

help 12. Stormwater Compliance: This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. ☐ YES ☐ NO **This is not applicable.**

If YES – Which manual will your project be designed to meet?

help If NO – For Clean Water Act Section 401 and 404 permits only – Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)

help 13. Will excavation or dredging be required in water or wetlands? ☒ YES ☐ NO

If YES:

A. Volume: >600 CY (cubic yards) /area >2925 SF (acre) (>067 ac)

B. Composition of material to be removed. Cement plant aggregate (sand/gravel/limestone) accumulated since February 2006.

C. Disposal site for excavated material: Use on site in cement fabrication.

D. Method of dredging: Barge-mounted clamshell, 4-ft bucket.

help 14. Has the State Environmental Policy Act (SEPA) been completed ☐ YES ☒ NO

SEPA Lead Agency: City of Seattle, submitted concurrent with this JARPA.

SEPA Decision: DNS, MDNS, EIS, Adoption, Exemption Decision Date (end of comment period)

SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

help 15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plat approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FERC), Forest practices application, etc.). Also, indicate whether work has been completed and indicate all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

TYPE OF APPROVAL	ISSUING AGENCY	IDENTIFICATION NO.	DATE OF APPLICATION	DATE APPROVED	COMPLETED?
Grading permit	City of Seattle	TBD	concurrent JARPA		

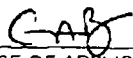
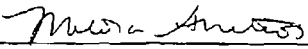

help 16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein? ☐ YES ☒ NO

If YES, explain:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

help 17a. Total cost of project. This means the fair market value of the project, including materials, labor, machine rentals, etc. \$30,000		
help 17b. If a project or any portion of a project receives funding from a federal agency, that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds. FEDERAL FUNDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, please list the federal agency.		
help 18. Local government with jurisdiction: City of Seattle		
help 19. Provide names, addresses and telephone numbers of adjoining property owners, lessees, etc. Please note: Shoreline Management Compliance may require additional notice – consult your local government.		
NAME	ADDRESS	PHONE NUMBER
Port of Seattle (Terminal 106)	44 S Nevada St, Seattle WA 98134 (mailing PO Box 1209, Seattle WA 98111)	(206) 728-3000
International Belt and Rubber	3687 Duwamish Ave S, Seattle WA 98317	
Port of Seattle (Terminal 104)	3627 Duwamish Ave S, Seattle WA 98134 (mailing PO Box 1209, Seattle WA 98111)	(206) 728-3000

SECTION C - This section MUST be completed for any permit covered by this application

help 20. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>ONLY</u> after all necessary permits have been received.	
 SIGNATURE OF APPLICANT – Craig Puljan, Plant Manager, Ash Grove Cement Company	DATE 9/11/07
 SIGNATURE OF AUTHORIZED AGENT – Melora Shelton, Grette Associates	DATE 9/11/07
I HEREBY DESIGNATE _____ TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.	
 SIGNATURE OF APPLICANT – Craig Puljan, Plant Manager, Ash Grove Cement Company	DATE 9/11/07
SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)	
THIS APPLICATION <u>MUST</u> BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.	

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

COMPLETED BY LOCAL OFFICIAL
A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any)
B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view:
C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought:

These Agencies are Equal Opportunity and Affirmative Action employers.
For special accommodation needs, please contact the appropriate agency in the instructions